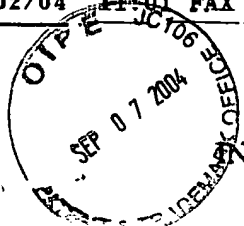


PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant(s): Brian J. Balin et al.

Serial No: 09/227,749

Group Art Unit: 1623

Filed: January 8, 1999

Examiner: Elli Pescelev

Att. Docket No.: I1059/20001

Confirmation No.: 7756

For: TREATMENT AND DIAGNOSIS OF ALZHEIMER'S DISEASE

DECLARATION UNDER 37 CFR 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Brian J. Balin, hereby declare that:

1. I am a named inventor of U.S. Patent Application 09/227,749 filed January 8, 1999 and U.S. Provisional Application 60/070,855, filed on January 9, 1998.

2. A conception of the invention in my mind is shown by the attached Exhibit A, a recommendation from Balin for his graduate student Edward (Jamie) Arking ("Arking") to Evelyn J. Ford ("Ford") at the AUHS Institute for Neurosciences.

3. Exhibit A is a letter of recommendation to obtain funding for Mr. Arking, a graduate student in my laboratory. This letter is written by me to Evelyn J. Ford, the Research Administrator for the AUHS Institute for the Neurosciences. In this letter dated March 12, 1997, I state that "recent findings in my laboratory into a potential causative agent of Alzheimer's disease has lead to a change in Jamie's [Arking's] thesis project." Therefore, "the focus of Jamie's [Arking's] thesis project is on the role *Chlamydia pneumoniae* plays as an infectious agent in the pathogenesis of Alzheimer's disease."

4. The date of the letter that is in Exhibit A has been redacted for the purpose of this Declaration. That date is earlier than May 6, 1997.

Application No. 09/227,749
Rule 131 Declaration
Attachment to Reply to Office Action of March 2, 2004

5. A label "Exhibit A" is shown in Exhibit A. The label was applied to the Exhibit at a location that was blank on the original letter.

6. I further declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 09/02/04

Brian J. Balin
Brian J. Balin

Attachment: Exhibit A



ALLEGHENY
UNIVERSITY
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Broad & Vine
Philadelphia, PA 19102-1192
215-762-7000

2900 Queen Lane
Philadelphia, PA 19129
215-991-8100

Evelyn J. Ford, Research Administrator
AUHS Institute for the Neurosciences
Allegheny General Hospital
320 East North Avenue
8th Floor, South Tower
Pittsburgh, PA 15212-4772

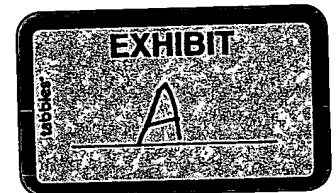
Dear Ms. Ford:

I take great pleasure in fully endorsing the application of Edward (Jamie) Arking for the AUHS Institute for the Neurosciences Graduate Student Research Stipend. Jamie has been in my laboratory since September 1995 and is one of the best graduate students with whom I have had the good fortune to advise. Jamie is very bright, highly motivated and outstanding in the laboratory. He exhibits an independence and maturity that is reflected in his ability to design and analyze his experiments as they address a specific hypothesis. Jamie's work has previously focused on the neuronal cytoskeleton as it pertains to differentiation and maturation of developing neurons. This work has lead to two manuscripts, one in press and one in preparation for submission. Although this work is very important, recent findings in my laboratory into a potential causative agent of Alzheimer's disease has lead to a change in Jamie's thesis project. This project has such great potential that I felt Jamie's training would be greatly enhanced through his participation as a pre-doctoral candidate. Therefore, the focus of his thesis project is on the role *Chlamydia Pneumoniae* plays as an infectious agent in the pathogenesis of Alzheimer's disease. This work has very exciting potential to increase our understanding of a possible mechanism involved in the etiology and/or risk of sporadic Alzheimer's disease, a disease that afflicts our ever growing aging population. Jamie has already contributed to our initial efforts on this project, and is a co-author on a manuscript submitted to Nature Medicine.

Jamie has demonstrated an extreme dedication and excellence in his research endeavors and will be submitting several additional manuscripts on which he will be first author based on this project. In summary, it is with highest enthusiasm that I recommend Jamie Arking for a pre-doctoral stipend from the Institute for the Neurosciences. I believe that with this support, Jamie's exciting and novel contributions in the research into the etiology and pathogenesis of Alzheimer's disease will be greatly enhanced.

Sincerely,

Brian J. Balin, Ph.D.
Associate Professor
Department of Pathology
and Laboratory Medicine
MCP♦Hahnemann School of Medicine
Allegheny University of the Health Sciences



Allegheny Health, Education and Research Foundation

Allegheny General Hospital • Allegheny Integrated Health Group • Allegheny University of the Health Sciences • Allegheny University Hospitals • St. Christopher's Hospital for Children